

Jeremy Fitch

6/16/2016

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RAMSEY TOSSA, RAKIA TOSSA,
SILVIA TOSSA and RHONDA TOSSA,
Plaintiffs,

-vs-

No: 14-12319

HON. GERALD E. ROSEN

MAG. MICHAEL HLUCHANIUK

Federal Task Force Officer (T.F.O.)
ADAM TARDIF, U.S. Drug Enforcement
Agency (D.E.A.); Group Supervisor
KENT KLEINSCHMIDT, D.E.A.; Federal
T.F.O. POWELL, D.E.A.; Special Agent
(S.A.) CHERYL BENEDICT, D.E.A.; S.A.
HOLTON, D.E.A.; S.A. FITCH, D.E.A.;
S.A. MOORE, D.E.A.; S.A. WEST, D.E.A.;
S.A. HOPKINS, D.E.A.; Officer KENNETH
BRESINSKI, S.H.P.D.; Officer TOM STECHLY,
S.H.P.D.; Michigan State Police Trooper
M.T. UNTERBRINK; all in their individual
and/or official capacities,
Defendants.

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1 Q. How much do you weigh?
2 A. About 190.
3 Q. You're a special agent with the drug enforcement
4 agency?
5 A. Administration, yes.
6 Q. Administration, yes.
7 A. Yes, sir.
8 Q. How long have you been an agent with the DEA?
9 A. I've been an agent since August of 2010, so
10 going on six years. I started the academy in
11 March, but became an agent in August.
12 Q. Do you have a law enforcement background prior
13 to that?
14 A. I do not.
15 Q. What did you do prior to that?
16 A. I worked for a health care consulting firm. We
17 did mergers, acquisitions, strategic planning,
18 operations improvement for hospitals and medical
19 centers, university medical centers.
20 Q. Educational background?
21 A. I have a Bachelor's of Science from Michigan
22 State University. I have a Master's from
23 University of Minnesota.
24 Q. Master's in?
25 A. Healthcare Administration.

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1 Detroit, Michigan
2 Thursday, June 16, 2016
3 1:06 p.m.
4 ---
5 JEREMY FITCH
6 was thereupon called as a witness herein, after
7 having been first duly sworn to tell the truth,
8 the whole truth, and nothing but the truth, was
9 examined and testified as follows:
10 MR. GOODMAN: All right. The record
11 will show this is the deposition of Agent Jeremy
12 Fitch taken pursuant to Notice under the Federal
13 Rules of Civil Procedure for any and all
14 purposes therein provided.
15 EXAMINATION
16 BY MR. GOODMAN:
17 Q. Is it okay if I call you Agent Fitch? Will that
18 work?
19 A. That's fine.
20 Q. State your full name, Agent Fitch, please?
21 A. Jeremy Carter Fitch, F-i-t-c-h.
22 Q. How old are you?
23 A. I am 40.
24 Q. How tall are you?
25 A. Six two.

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1 Q. Okay. Have you ever been deposed before?
2 A. I have not.
3 Q. I'm going to basically give you the basic ground
4 rules and see if we can understand one another.
5 A. Yes, sir.
6 Q. I'm here to ask you some questions and I expect
7 you to answer those questions. If you don't
8 understand or can't hear anything or you need to
9 have it repeated, please tell me and I will
10 clarify it, rephrase it or repeat it for you.
11 Do you understand?
12 A. Yes, sir.
13 Q. And the court reporter is writing down
14 everything we say, so that if you just need the
15 question read back, she can read it back for us
16 as well. You understand that, right?
17 A. I do, yes.
18 Q. And as you are now doing, please answer the
19 questions verbally because sometimes people will
20 nod, shake their head, say uh-huh or uh-uh and
21 that makes for an unclear or uncertain record,
22 so if you do that, I'll try to remind you to
23 answer verbally. Do you understand?
24 A. I understand, sir.
25 Q. And if I do do that, I'm not being rude. I'm

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1 just trying to get a good record, okay?
2 A. Understood.
3 Q. If your attorney or any of the attorneys object
4 to any of my questions, please withhold your
5 answer until the objection is stated on the
6 record and then most likely you'll be expected
7 to answer the question, okay?
8 A. Yes, sir.
9 Q. And again, if you don't remember it at that
10 point or you're distracted because of the
11 objection, it can be repeated or read back, all
12 right?
13 A. Yes, sir.
14 Q. With that in mind, let's proceed. I sort of
15 want to, if I may, skip ahead a little bit in
16 the story and ask you about your encounter with
17 Mr. Ramsey Tossa on July 26th, 2011. Do you
18 recall that event?
19 A. I do.
20 Q. All right. And that was you were executing a
21 search warrant, is that right, sir, part of a
22 team that was executing a search warrant?
23 A. Yes, sir.
24 Q. And what was your assignment for that particular
25 operation, if you can recall?

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1 A. Yes, sir.
2 Q. Who announced?
3 A. David Powell.
4 Q. Who knocked?
5 A. I don't actually -- I don't recall. I remember
6 David Powell announcing.
7 Q. And how was the door opened, if you can recall?
8 A. I don't recall. I do know that it wasn't breached.
9 Q. When you say breached, do you mean like rammed
10 open or forced open?
11 A. Or forced open.
12 Q. Right. Do you know who opened it?
13 A. I do not.
14 Q. Did you see the door opened?
15 A. I did see -- I didn't see the -- I don't recall
16 seeing the door open, but I recall seeing it
17 open when individuals such as Mr. Tossa came out
18 of the door.
19 Q. Did you see Mr. Tossa come out of the door?
20 A. Yes, I did.
21 Q. What happened when he came out of the door?
22 A. He was escorted by Agent Holton to the porch and
23 off the porch and handed to me.
24 Q. Let's go back for just a moment. When you say
25 he was escorted by Agent Holton, can you

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1 A. I was assigned to the entry team.
2 Q. And did you, in fact, enter the house immediately?
3 A. I did not.
4 Q. What was -- why not? What were you doing?
5 A. I was observing and staying with Mr. Tossa.
6 Q. How is it that you were observing and staying
7 with Mr. Tossa rather than entering the house?
8 Who instructed you to do that?
9 A. It's just routine operations during a search
10 warrant. I was in the rear of the stack, so
11 naturally as people came from the house, they
12 would be -- they're handed off to the rear to
13 clear an entryway into the house.
14 Q. And the people in the rear of the stack are
15 expected to keep an eye on the people who are
16 handed off to them. Is that what you're saying?
17 A. Typically.
18 Q. And that was the role that you were playing on
19 this particular night?
20 A. Yes, sir. Right. I didn't go into the search
21 warrant expecting to do that, but I'm always
22 prepared to do that if that's the case.
23 Q. And explain the circumstances -- did you
24 actually observe the knock and announce at the
25 house door?

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1 describe the manner in which he was escorted?
2 A. Sure. He was taken by the arm and guided. It
3 was more of a guiding than -- I guess that's
4 probably the best description. He was guided
5 off the porch. It wasn't that large of a step,
6 so he was guided as he was taking steps down the
7 porch for Mr. Tossa's safety.
8 Q. Guided to prevent him from tripping or falling?
9 A. Yes, sir.
10 Q. How did he appear at that time?
11 A. Rapid breathing, but I didn't notice anything
12 out of the ordinary. I mean he was an older
13 gentleman.
14 Q. You observed rapid breathing, however, is that
15 right?
16 A. I heard rapid breathing.
17 Q. Did you consider the possibility that he was
18 having shortness of breath or difficulty breathing?
19 A. Rapid breathing isn't unusual in our line of work.
20 Q. It's not unusual?
21 A. No, not at all. I mean it's a stressful
22 situation for everybody.
23 Q. Right.
24 A. So I mean even myself, I have to work on slowing
25 my breathing down, so it's not unusual. I

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1 wasn't surprised by seeing that.
2 Q. And when you say you have to slow your breathing
3 down, why would you be breathing rapidly under
4 these circumstances?
5 A. I don't know who's in there, if someone's armed.
6 We do high -- I mean the search warrants,
7 naturally drug trafficking is dangerous, just
8 the nature, the very nature of doing search
9 warrants. I've heard numerous stories of people
10 getting shot, attacked, assaulted, so I was only
11 on for a year or so. I was even more amped up
12 than I am now so to speak.
13 Q. Less than a year actually, right?
14 A. I was on for less than a year. I'm sorry.
15 Q. And so you were operating under a certain level
16 of stress yourself given the circumstances of
17 the operation, right?
18 A. Yes, sir.
19 Q. Did you see Mr. Tossa step out of the doorway or
20 did you just observe him once he was on the
21 porch for the first time?
22 A. Once he was on the porch.
23 Q. All right. So do you know how he was touched,
24 grabbed or held as he exited the doorway itself?
25 A. I do not.

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1 Q. Was anyone other than Agent Holton holding onto
2 Mr. Tossa or near him at the time he was
3 escorted down to you?
4 A. As he was nearing the, I guess the portion of
5 the porch where I could see, it appeared only
6 that Agent Holton was escorting him.
7 Q. And you said you heard rapid breathing, but
8 other than rapid breathing, did you hear
9 anything that indicated that Mr. Tossa was
10 having any difficulty breathing?
11 A. No, sir.
12 Q. How was he dressed?
13 A. I don't recall. He was dressed. I know that.
14 I don't recall how he was dressed.
15 Q. Did he have pants on?
16 A. I don't recall if they were pants or shorts or
17 what. I mean I don't recall.
18 Q. By the time he was handed to you, would it have
19 been routine for him to have been searched for
20 weapons or dangerous instruments of any sort?
21 A. Not always. I see that as my responsibility.
22 Even if he was searched and handed off, I would
23 conduct another search.
24 Q. We'll get to that in a minute, but you say it
25 would not have been routine for let's say Agent

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1 Holton to have searched him as well?
2 MS. URBANIC: Objection as to form, but
3 certainly answer if you understood the question.
4 Q. (Continuing, by Mr. Goodman) Go ahead.
5 A. It depends on the circumstances I should say.
6 Generally it's been my experience that they're
7 not routinely searched. If something is
8 observed, then they would be searched or, you
9 know, if a gun was observed, it would be taken
10 immediately, but it's not -- it's not -- I don't
11 typically observe people searching them as
12 they're handing them back.
13 Q. You viewed this as your role to do the
14 searching, is that right, sir?
15 A. Yes, sir.
16 Q. And did you search him?
17 A. Briefly.
18 Q. How did you do that?
19 A. Just a quick pat on the waist initially.
20 Q. And when he was handed to you, did you touch him
21 or hold onto him in any fashion at all?
22 A. Yes, when he was handed to me I continued to
23 guide him to where I ultimately placed him just
24 a couple of steps off the porch.
25 Q. You placed him on the grass, is that right, sir?

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1 A. Yes, sir, he was compliant, so I just assisted
2 him in getting down to the grass.
3 Q. When you say down to the grass, what do you mean?
4 A. I had him initially prone out on his chest.
5 Q. Okay. Let me go through a couple of these
6 exhibits first, if I may.
7 A. Sure.
8 Q. What is before you here is what is marked Moore
9 and Fitch Exhibit 1. Have you seen that
10 document before?
11 A. Yes, sir.
12 Q. And it asks you to bring with you certain
13 documents, does it not?
14 A. Oh, I'm sorry. This document you're referring to?
15 Q. Yes, that's right.
16 A. Yes, sir.
17 Q. And did you bring those with you?
18 MS. URBANIC: Objection. I just want
19 to incorporate by reference the objections that
20 have already been placed in response to Agent
21 Fitch's Responses to Plaintiffs' Requests for
22 Production and incorporate all those objections
23 here.
24 Q. (Continuing, by Mr. Goodman) Over objection, did
25 you bring those with you?

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1 A. They are in Miss Urbanic's room.
2 Q. So your attorney has the documents, is that
3 right? Is that what you're saying?
4 A. I set them on the desk in her office.
5 Q. All right. By the way, do you have any personal
6 notes of this incident at all, handwritten notes?
7 A. I do not. No, I do not, sir.
8 Q. Or typewritten notes of any sort?
9 A. I do not, sir.
10 MS. URBANIC: I would just again
11 reiterate the objection. This is duplicative of
12 the previous Request for Production of Documents.
13 Q. (Continuing, by Mr. Goodman) All right. Let's
14 get back to where we were, which was you placing
15 Mr. Tossa on the ground.
16 MR. GOODMAN: Off the record.
17 (Off the record discussion.)
18 Q. (Continuing, by Mr. Goodman) I'm going to hand
19 you what has previously been marked as Moore and
20 Fitch Exhibit 4 and ask you if you can identify
21 this as the area in front of the Tossa residence?
22 A. I'm having trouble seeing it. I mean it was a
23 smaller yard. It looks similar.
24 Q. It looks similar anyway, is that right?
25 A. Yes, sir.

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1 Q. So you took him out to the lawn and then what
2 did you do in terms -- I think you said
3 something about placing him prone on the ground,
4 is that right?
5 A. I assisted him in getting to the -- having him,
6 getting him into a position where he was prone
7 onto the grass.
8 Q. How did he know he was supposed to get prone
9 onto the grass?
10 A. I was giving him verbal commands.
11 Q. What is -- I'm sorry.
12 A. And he was compliant with those. So I went
13 immediately to an assistance mode. I mean he
14 was an older gentleman, so I was assisting him.
15 Q. What did you tell him?
16 A. "I'm going to place you on the ground."
17 Q. And why did you decide to place him on the ground?
18 A. Because when I was handed him, I didn't know
19 what he had on him. Just for the safety of
20 himself and other officers I initially did that.
21 Q. Now, you've described earlier how you had
22 searched him. Do you recall that? Around his
23 waist and so on?
24 A. Yes. Typically I don't recall exactly when I
25 did the search on this, but typically I would

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1 Q. Can you see the porch area? I know it's hard.
2 I apologize for the difficulty.
3 A. I can't.
4 Q. So let's for the moment just try and describe it
5 physically. You say you escorted him out a
6 couple steps away from the front porch, is that
7 right, sir?
8 A. Right. It was probably a few. It was enough
9 distance so that it would allow the team, you
10 know, access to get in the house, so it was away
11 from the porch. I don't remember exactly how
12 far, but it was --
13 Q. Were you also -- I'm sorry.
14 A. I don't remember exactly how far, but it wasn't --
15 it was within, you know, five, ten feet.
16 Q. Were you off to the side in any particular way,
17 off to the right or left of the porch?
18 A. I don't recall exactly. I mean I know it was in
19 the front yard off the porch.
20 Q. So to say, if I were to say it was between five
21 and ten feet, would that sound about right to
22 you from the front porch?
23 A. Yes, approximately.
24 Q. All right. And it was on the lawn, right?
25 A. Yes, sir.

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1 place them onto the ground and then do a quick
2 pat along the waistline.
3 Q. Is that the way in which you searched him on
4 this occasion?
5 A. I don't recall.
6 Q. You may well have searched him while he was
7 standing up, is that right?
8 A. Yes, I may have patted him around the waist. I
9 don't recall though.
10 Q. Is it routine for you to place persons who you
11 are detaining or holding on the ground in the
12 way in which he was placed on the ground?
13 A. For somebody that's compliant, yes. I probably
14 assisted him more, just given his age.
15 Q. But for them to get on the ground, is that routine?
16 A. Absolutely.
17 Q. And why is that?
18 A. For safety purposes until we can complete a full
19 check of the individual.
20 Q. A search?
21 A. Full search.
22 Q. What about handcuffing?
23 A. It's typical that we handcuff.
24 Q. When they're on the ground, once they're on the
25 ground?

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1 A. Before.
2 Q. So you would have handcuffed him typically or
3 routinely while he was still standing, is that
4 right?
5 A. I should say if they're compliant I would
6 handcuff while they're still standing typically.
7 Q. And he was compliant, is that right?
8 A. He was compliant.
9 Q. What was the reason that you did not handcuff
10 him while he was still standing?
11 A. He was compliant and elderly, or I should say
12 older. I just deemed -- in retrospect I
13 probably should have, but I just didn't. In
14 this case he just, he was an older gentleman and
15 he was fully compliant and I just decided not to.
16 Q. Wasn't the reason that you did not handcuff him
17 initially was because he was having difficulty
18 breathing?
19 A. No, sir.
20 Q. I'm going to hand you what has previously been
21 marked Moore and Fitch Deposition Exhibit 5.
22 Strike that. I'm going to show you what has
23 been marked Moore and Fitch Deposition Exhibit 6
24 and ask you if you've seen this document before?
25 MR. GOODMAN: Off the record.

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1 (Off the record discussion.)
2 MR. GOODMAN: Let's go back on the
3 record. I want to correct the record. What
4 I've handed the witness is report of
5 investigation of the execution of the warrant on
6 Marc Street in Sterling Heights on July 26th,
7 2011 and that is Moore and Fitch Exhibit No. 5.
8 MR. KASZUBSKI: Bill, could you send
9 one down here? We're missing one I think.
10 Q. (Continuing, by Mr. Goodman) Can you identify
11 this exhibit, sir?
12 A. Yes, sir. It's the DEA-6 report of
13 investigation for the search warrant at Marc Drive.
14 Q. And who wrote this, if you know?
15 A. It's authored by Adam Tardif.
16 Q. And was this -- did he write this after he had
17 spoken with you and others concerning the events
18 of the operation?
19 MS. URBANIC: Objection as to
20 foundation, but answer if you know.
21 Q. (Continuing, by Mr. Goodman) Go ahead.
22 A. He wrote this after the search warrant. I'm not
23 sure of the timing as to whether or not I spoke
24 with him before this.
25 Q. Going to the second page of this report or the

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1 bottom of paragraph number three, do you see
2 where it says, "The three females were placed in
3 handcuffs for agent and officer safety," bottom
4 third of that paragraph?
5 A. Yes, sir.
6 Q. And then do you see the next notation, which is,
7 "Ramsey Tossa was not handcuffed as he complained
8 of shortness of breath." Do you see that?
9 A. Yes, sir.
10 Q. Is that an inaccurate statement?
11 A. The shortness of breath didn't affect whether or
12 not I handcuffed him.
13 Q. Did you ever tell Agent Tardif or T.F.O. Tardif
14 that the reason Ramsey Tossa was not handcuffed
15 was because he was experiencing shortness of
16 breath?
17 A. I don't recall.
18 Q. You may have said that?
19 A. There's a possibility. I don't recall saying
20 that though.
21 Q. Well, my question is do you deny saying that or
22 are you simply saying you can't recall one way
23 or another whether you said that?
24 A. I can't recall whether or not I said that.
25 Q. So he may have been experiencing shortness of

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1 breath before you placed him on the ground, is
2 that right?
3 A. Yes, he may have been.
4 Q. Would you have routinely placed somebody --
5 withdraw that question. When you placed him on
6 the ground, you asked him to lie down on the
7 ground, is that right, or you helped him place
8 himself so that he was prone, as you said, on
9 the ground, am I correct?
10 A. I assisted him to a position where he was prone
11 on the ground.
12 Q. Which means his body was stretched out and his
13 face, he was face down on the ground, am I right?
14 A. Yes, sir.
15 Q. And that was I think you indicated for officer
16 safety, is that right, sir?
17 A. It's for everybody's safety.
18 Q. Officer and the subject's safety, is that
19 correct, sir?
20 A. Yes, sir.
21 Q. Could he, for purposes of everyone's safety,
22 would it have been equally as sufficient to have
23 him let's say sitting on the ground?
24 A. In hindsight, I don't know whether or not it
25 would have been, but typically I don't know who

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1 I'm encountering. We have had older people, you
2 know, that have been just as dangerous as
3 younger people, so I took the necessary
4 precautions I felt best for myself and the team,
5 which was initially proning him out, putting
6 him, assisting him into a prone position.
7 Q. How long was he prone on the ground?
8 A. Just a matter of seconds.
9 Q. Was he searched while he was on the ground?
10 A. I don't recall specifically searching him, but
11 typically I would pat the waistline.
12 Q. Did you start to handcuff him while he was on
13 the ground?
14 A. I don't recall. Typically when they're handed
15 to us, we holster our weapon and then I would
16 routinely reach for my handcuffs, but I don't
17 know whether or not that was what I did in this
18 case.
19 Q. What position were you in as you were doing this?
20 A. I don't recall specifically, but I assisted him
21 to the ground, so I mean he was using his hands
22 to get prone, so I don't know if I was -- I was
23 in a position to assist, so I'm assuming
24 kneeling, but I don't recall for sure what
25 position I was in.

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1 A. It would be given his -- he was compliant, so
2 given the way that he was listening, it would
3 have been unreasonable to do so.
4 Q. Clearly unreasonable, right?
5 A. In my opinion, it would be unreasonable to do so.
6 Q. And my question was clearly unreasonable in your
7 opinion, am I right?
8 A. Yes.
9 Q. Was any other officer with you assisting you
10 while you were working with Mr. Tossa?
11 A. I don't recall if anybody else was there. I was
12 focused on Mr. Tossa at the time, so I don't
13 recall.
14 Q. While he was prone on the ground, at any point
15 did you lift either or both of his arms up
16 toward a vertical position for the arms?
17 A. No.
18 Q. Did you lift any part of his body up while he
19 was prone on the ground?
20 A. I assisted him into a kneeling position from --
21 I would have held his arm to assist him.
22 Q. Okay.
23 A. But I wouldn't have, you know, went around and
24 grabbed him. He was moving fine. He was
25 compliant and he was able to do most of it on

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1 Q. And when you were kneeling, you mean one of your
2 knees was on the ground, is that right, or both?
3 A. I don't recall.
4 Q. And you say he was only in a prone position for
5 a matter of seconds?
6 A. It wasn't very long. I don't recall exactly how
7 long, but it was briefly long enough for, long
8 enough for me probably just to pat his waist and
9 then bring him up, so it wouldn't have been -- I
10 don't know specifically how long, but it was
11 well less than a minute.
12 Q. When you say bring him up, what do you mean?
13 A. Assist him in -- shortly after I proned him,
14 moments later I assisted him into a kneeling
15 position. I asked him -- he was compliant. He
16 continued rapid breathing, so I asked him to
17 assume a position that was most comfortable and
18 he went into the kneeling position or attempted
19 to push himself up so I assisted him into a
20 kneeling position.
21 Q. At any time while he was prone on the ground did
22 you place your knee on any part of his body?
23 A. Absolutely not.
24 Q. To have done so, would you agree would be
25 unreasonable and excessive use of force?

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1 his own, so I was just more assisting and
2 talking to him more so than anything.
3 Q. When you helped him down onto the ground to be
4 placed in a prone position, describe the
5 physical contact between yourself and Mr. Tossa
6 in doing that.
7 A. As he was going down into the prone position?
8 Q. Yeah.
9 A. I would have maintained a grip on his arm and he
10 used his other arm to lower himself into the
11 prone position, so it was more of a guiding or
12 assisting with his arm.
13 Q. So what you did was to hold his arm. That's
14 your description of the physical contact between
15 the two of you, am I right?
16 A. Right. He didn't need -- he didn't need an
17 abundance of assistance. I mean he was fairly
18 self-sufficient. He was compliant, so he was
19 able to do most of the positioning himself.
20 Q. At any time did you come to the opinion that
21 Mr. Tossa was a frail gentleman?
22 A. No.
23 Q. Did the two of you converse?
24 A. I spoke to him. I don't remember him speaking
25 to me.

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1 Q. Was it clear to you that he was conversant or
2 understood English?
3 A. He was compliant, so I was under the impression
4 that he understood enough to do as I asked.
5 Q. At some point did you determine that he was
6 having difficulty breathing or suffering
7 shortness of breath?
8 A. I would describe his breathing as rapid and I
9 don't know if medically there's a difference of
10 shortness of breath versus rapid breathing, but
11 I would describe his breathing as rapid, which
12 again isn't atypical for what we encounter.
13 Q. Yeah, in fact, you describe yourself as
14 sometimes having the same symptomatology, is
15 that right, sir?
16 A. Yes, sir.
17 Q. So his shortness of breath was no different than
18 the shortness of breath that you experience when
19 you undertake one of these operations. Is that
20 a fair statement?
21 MS. URBANIC: Objection as to
22 foundation, but answer if you know.
23 A. All I could hear was just rapid breathing, but I
24 can't say medically whether my rapid breathing
25 is consistent with his rapid breathing.

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1 Q. (Continuing, by Mr. Goodman) Did you at some
2 point come to the opinion or conclusion that
3 Ramsey Tossa was suffering from shortness of
4 breath?
5 A. Not in the time that I had him or that I was
6 overseeing Mr. Tossa.
7 Q. And how long did you oversee Mr. Tossa?
8 A. Just a matter of a couple of minutes.
9 Q. How did that -- how did you part from Mr. Tossa?
10 Let's put it that way.
11 A. Sure. Agent Holton, as soon as the residence
12 was cleared, Agent Holton came to where we were
13 and he essentially assisted Mr. Tossa in getting
14 back into the house, so he maybe had some
15 conversation. I don't know what happened, but
16 he came out and assisted in getting Mr. Tossa
17 back into the house.
18 Q. Why did he come out to assist Mr. Tossa, if you
19 know?
20 A. I don't know exactly why he did that.
21 Q. Did he indicate, did Holton indicate to you that
22 he had heard or learned that Ramsey Tossa was
23 suffering from difficulty breathing or shortness
24 of breath?
25 A. I don't know what -- I don't know why Agent

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1 Holton came out.
2 Q. Now, were there any other residents of the
3 household who were placed on the front lawn?
4 A. I don't recall anybody else being on the front
5 lawn.
6 Q. Do you recall the women who had been in the
7 house being brought outside the house?
8 A. I don't know when -- well, I can say that I
9 believe the women came out after Mr. Tossa, but
10 I didn't see the manner in which they were
11 brought out because at that point I was occupied
12 with Mr. Tossa.
13 Q. Occupied doing what?
14 A. My focus was on him, so I don't know when
15 exactly they came out, but I was assisting him
16 to the prone position, assisting him to a
17 kneeling position, talking with him, looking at
18 him, searching, quickly searching.
19 Q. And during that period of time did you hear any
20 of the women that had been brought out of the
21 house saying anything?
22 A. I heard yelling by one or more of the women.
23 Q. What was being yelled, if you can recall?
24 A. I don't specifically remember what was being
25 yelled.

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1 Q. Was there anything being yelled that had
2 anything to do with Mr. Tossa, if you know?
3 A. I don't recall. I don't recall hearing anything
4 related to Mr. Tossa.
5 Q. Did you say anything to any of the women who
6 were yelling?
7 A. I did not.
8 Q. Could you tell whether they were yelling at you?
9 A. No.
10 Q. Did you hear anybody tell any of the women to,
11 "Shut up"?
12 A. I did not.
13 Q. Did you tell any of the women to shut up?
14 A. I did not.
15 Q. Or did you use the phrase, "Shut the fuck up"?
16 A. I did not.
17 Q. Or hear it used?
18 A. I did not. I did not exchange any conversation
19 with anyone.
20 Q. My question though was whether you heard that
21 phrase used by anyone else?
22 A. No, I did not. I was just answering your
23 previous question. Sorry.
24 Q. Thank you.
25 MR. GOODMAN: One second. I'm just

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- 1 going to get some coffee.
2 (Off the record discussion.)
3 Q. (Continuing, by Mr. Goodman) Can you estimate
4 how long -- if I've asked this, I apologize, but
5 I want to ask again. How long it was you had
6 Mr. Tossa under your control and supervision?
7 A. I don't know specifically, but it would have
8 been in the range of, you know, two to three
9 minutes.
10 Q. No more than five?
11 A. No, I wouldn't think more than five, no.
12 Q. Did you ever see any of the women who had been
13 brought out of the house and placed on the front
14 lawn in a prone position?
15 A. No, I did not see anybody prone on the lawn.
16 Q. Other than Mr. Tossa?
17 A. Other than Mr. Tossa.
18 Q. Once Agent Holton took Tossa inside the house,
19 what did you do?
20 A. I don't recall specifically. Typically I would
21 assist with the search of the residence or
22 maintain vision of other occupants of the house
23 such as the women. I don't recall specifically
24 what I did after that.
25 Q. Did you do one or the other; that is, either

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- 1 A. I have.
2 Q. And what is this document?
3 A. It appears to be handwritten notes.
4 Q. And do you know whose handwritten notes they are?
5 A. Kent Kleinschmidt, our group supervisor.
6 Q. And do you know when these notes were taken down?
7 A. After the search warrant, but I'm not sure if it
8 was that night or the next day.
9 Q. You mean after the warrant was executed?
10 A. Yes, sir.
11 Q. Was there a debriefing meeting of any sort, if
12 you can recall?
13 A. I don't specifically -- I don't specifically
14 remember a debriefing, but that's typically what
15 we would do.
16 Q. Do these notes take up the discourse -- withdraw
17 that question. What happens when you do one of
18 these debriefing sessions, Agent Fitch?
19 A. Usually we just discuss more mechanics of the
20 search warrant, if there's things we can improve
21 in doing. Occasionally we'll go over I guess
22 various events that occurred.
23 Q. And when you say the search warrant, you mean
24 the execution of the search warrant, right?
25 A. Yes, the full --

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- 1 enter the house and search it or keep an eye on
2 the women?
3 A. I don't -- I know I did not search the house.
4 At some point I did go into the house and I
5 don't know if I was -- what I was specifically
6 doing, if it was bringing a camera or bringing
7 an evidence kit or what I did, but I did go into
8 the house at one point.
9 Q. Do you have any recollection one way or another
10 as to whether you supervised any of the women
11 who had been taken out of the residence?
12 A. I wouldn't have been supervising. Whoever had
13 them initially would have stayed with them
14 typically.
15 Q. Do you know who that was?
16 A. I believe Cheryl Benedict was one and I believe
17 Steve West was out there as well, but I know
18 Cheryl was. I'm not sure whether or not Steve was.
19 Q. Do you know whether any of the women were
20 handcuffed?
21 A. Just from reading the report I believe they all
22 were, but I didn't know that at the time.
23 Q. I'm going to hand you what's been marked
24 previously Moore and Fitch Deposition Exhibit 6
25 and ask you if you've seen this document before?

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- 1 Q. The operation?
2 A. The full operation, yes.
3 Q. And do these notes reflect the order in which
4 the discussion took place in connection with the
5 debriefing of this particular search warrant
6 execution, if you know?
7 A. Sorry to ask, but can you repeat that question?
8 Q. Yeah, that was hard. You don't have to apologize.
9 I apologize for the question. What I'm asking
10 is the notes start at the top of the page and go
11 down, down the page or two pages, right?
12 A. Yes, sir.
13 Q. And it starts with the discussion of Ramsey
14 Tossa. Do you see that right at the very top of
15 these notes?
16 A. Yes, sir.
17 Q. And my question is given that that's the first
18 thing that's written down, was that the first
19 thing your team discussed when you undertook
20 this debriefing?
21 MS. URBANIC: Objection as to form, but
22 answer as you understood the question.
23 A. I don't remember the context of this discussion,
24 but I would have spoken to Kent at this, so I
25 don't know if there was an overall debriefing

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1 prior to or after -- I don't know the timing of
2 when Kent took these notes is what I should say.
3 Q. (Continuing, by Mr. Goodman) So my question is
4 was the first thing that was discussed when you
5 had your debriefing session what happened with
6 Mr. Tossa?
7 A. I don't recall.
8 Q. And what's noted there is, "Ramsey dad." Do you
9 see that?
10 A. Yes, sir.
11 Q. And that means that he's the father of -- do you
12 know whose father he was?
13 A. Just from reading, it was I believe he had two
14 daughters and then his wife at the residence.
15 Q. Two of the women who were in the house, is that
16 right?
17 A. Yes, sir.
18 Q. And then it says, "Back door open unlocked.
19 Opened front door." Do you see that, or back
20 open I guess?
21 A. I see, "Unforced/opened front door."
22 Q. Unforced, oh, yeah. Thank you.
23 A. Yes.
24 Q. It says, "Unforced/opened front door," is that
25 right, sir?

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1 A. That's the way I read that, yes, sir.
2 Q. And then it says Jeremy. That would be you, am
3 I right?
4 A. Yes, sir.
5 Q. "On chest, then knees," correct, sir?
6 A. Yes, sir.
7 Q. Did you mention that he was only on his chest
8 for a few seconds when you talked to Agent
9 Kleinschmidt about this?
10 A. I don't remember -- I don't recall if I gave him
11 a duration, but I would have described him as
12 initially placing him on his chest and then at
13 some point bringing him to his knees.
14 Q. Do you know why that was discussed at all, given
15 the fact that this would have been a routine
16 operation for you to have done?
17 A. No. I don't often see Kent's notes. In this
18 case I mean this is, yeah, in this instance. I
19 don't know how often he keeps notes for cases.
20 Q. Okay. Can we skip down to the part where it
21 says Rhonda there? Do you see that?
22 A. Yes, sir.
23 Q. Can you read that? You're better at reading his
24 notes than I am I think.
25 A. Oh, wow. "Called her out of room. Justin taken

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1 out" maybe, but I'm not sure.
2 Q. Who is Justin?
3 A. Agent Holton, sir.
4 Q. Go ahead.
5 A. "Put cuffs on. Noticed Ramsey wasn't doing
6 well," and this is -- I don't know if this is
7 exactly what he has written, but this is the way
8 I'm reading it.
9 Q. Yeah, that's the way I'm reading it, too.
10 "Noticed Ramsey wasn't doing well," right?
11 A. Yes, sir.
12 Q. Do you know who that refers to, who noticed that
13 Ramsey wasn't doing well?
14 A. No, I do not.
15 Q. Okay. If that was Holton that noticed it --
16 well, withdraw that question. At any point
17 before Holton came back to be with Mr. Tossa on
18 the front lawn did you notice that Ramsey wasn't
19 doing well?
20 A. I noticed continued rapid breathing. It didn't
21 seem to progress. It didn't seem to be more
22 rapid or less rapid. I didn't notice a
23 difference, but I can say it was rapid breathing.
24 Q. And my question is would you describe that as
25 your noticing that he wasn't doing well?

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1 A. I would -- no, no.
2 Q. Can you read those notes below there?
3 A. Oh, wow. Just the third line down is the only
4 one I could venture a guess.
5 Q. Thank you.
6 A. "Put on porch with --" It looks like this is
7 now moved into -- well, actually, I don't know.
8 This may still be Rhonda. "Put on porch with
9 Rhonda."
10 Q. Oh, yeah, maybe. Then at the bottom do you see
11 your name, Jeremy?
12 A. Yes, sir.
13 Q. And what's after that?
14 A. I see Jeremy and above it I see maybe, "Got
15 second set of cuffs," so I don't know if that's
16 referring to me and if that was truly what was
17 indicated, I would interpret that as that I
18 provided someone with a second set of cuffs, if
19 that's referring to me.
20 Q. And then below that Jeremy and a dash and can
21 you read that word after that?
22 A. I can't.
23 Q. Neither can I. All right. Okay. Let's step
24 back for a minute. When was the first time that
25 you learned that this operation was going to

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1 A. I don't recall knowing that going into this. It
2 may have -- we may have discussed it prior to
3 this, but I recall briefing prior to Marc, but I
4 don't recall if we discussed going to Marc after
5 the Manchester search warrant.
6 Q. You say you do recall a briefing prior to the
7 Marc Street operation?
8 A. Absolutely, yes, sir.
9 Q. Where was that briefing, if you can recall?
10 A. It was near a park. I mean I remember a decent
11 size parking lot where we fit quite a few cars
12 and I don't remember exactly where, but there
13 was a briefing prior to the Marc Street address.
14 Q. That would have been a park in Sterling Heights,
15 Michigan?
16 A. I believe so, yes, sir.
17 Q. If I were to use the name Nelson Park, would
18 that refresh your recollection on this point?
19 A. Nelson doesn't ring a bell to me.
20 Q. Okay. Now, you say you do recall a briefing
21 prior to -- a briefing at some park before this
22 operation. About what time was that briefing?
23 A. It would have been approximately a couple hours
24 after this, more probably about half an hour
25

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1 before we executed the search warrant at Marc.
2 Q. And what time was the search warrant executed at
3 Marc, if you can recall?
4 A. It was at two -- may I refer to the exhibits?
5 Q. Sure, of course.
6 MR. GOODMAN: Let the record show the
7 witness is referring to I believe it's Moore and
8 Fitch Deposition Exhibit 5.
9 A. So we executed it at 2:20 a.m., so it would have
10 approximately been, I'm guessing, about a half
11 hour prior to that, 1:50 a.m.'ish.
12 Q. (Continuing, by Mr. Goodman) And while you were
13 being briefed sometime between one and two in
14 the morning there at that park in Sterling
15 Heights, what were you told about the location
16 at Marc Street?
17 A. I don't recall specifically, but that the
18 residence had an association with the suspect,
19 Jason Yousif.
20 Q. When you say residence, you mean the house?
21 A. Yes, sir.
22 Q. Not residents meaning persons who --
23 A. C-e.
24 Q. Yeah, c-e versus e-n-t-s?
25 A. Yes, sir.

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1 Q. Were you told that there were other people who
2 resided in that house as well at that time?
3 A. I don't recall, but I believe that somebody
4 had -- I believe that somebody that had observed
5 or went by the location said there were multiple
6 vehicles, so I think we suspected that there
7 were more, but I don't recall whether or not
8 that was specifically mentioned. If it was
9 known, it would have typically been mentioned.
10 Q. And you say you believe that someone had
11 mentioned it. Do you know who that person would
12 have been?
13 A. It would have -- if the operation was conducted,
14 I suspect it was Adam Tardif. He's the
15 operational lead, if you will, case agent.
16 Q. Did anyone indicate who the persons were who
17 were residing in the house?
18 MS. URBANIC: Objection, regarding a
19 dismissed claim, but please go ahead and answer.
20 A. I don't recall, sir. I don't recall
21 specifically if there was mention of other
22 individuals at the residence.
23 Q. (Continuing, by Mr. Goodman) As someone who was
24 executing this warrant, would it have been
25 helpful for you to know that there was a family,

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1 a husband, wife and two daughters living in the
2 house before you undertook the search anyway?
3 MS. URBANIC: Objection. I'm just
4 going to renew the objection to this line of
5 questioning because it pertains to a dismissed
6 claim.
7 Q. (Continuing, by Mr. Goodman) Go ahead.
8 A. The goal of every operation is to know as much
9 as possible prior to executing the search
10 warrant, so to answer your question, yes, the
11 more information provided related to the
12 residence, the more helpful.
13 Q. Do you have any -- did you ever ask whether
14 there had been any other surveillance done on
15 the house?
16 A. I don't recall, sir.
17 Q. Do you have any information or knowledge as to
18 why there was no other surveillance or
19 information about the residents, the people
20 living in the house?
21 MS. URBANIC: Objection as to form.
22 Q. (Continuing, by Mr. Goodman) Proceed.
23 A. Again, I don't recall if that information was
24 disseminated prior to the execution of the warrant.
25 Q. When Agent Holton brought Mr. Tossa off the

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1 porch and handed him over to you, could you tell
2 that Mr. Tossa was upset or frightened other
3 than the shortness of -- excuse me, other than
4 the rapid breathing which you described?
5 A. I assumed that the shortness of breath was
6 caused by his surprise, so I guess -- I'm sorry.
7 Could you repeat the question?
8 MR. GOODMAN: Would you read it back
9 please?
10 (Reporter reads back question.)
11 A. No.
12 Q. (Continuing, by Mr. Goodman) So his facial
13 expression did not show any indication of his
14 being upset to you, is that right, sir?
15 A. Maybe I should clarify. As typical with most
16 warrants, he seemed surprised and upset. Was it
17 out of the ordinary? No, but I should clarify
18 that yes, as in most warrants, Mr. Tossa did
19 appear upset, scared, et cetera.
20 Q. Can you describe Mr. Tossa's height?
21 A. I can say he was under six foot.
22 Q. You indicated he was an elderly gentleman. Can
23 you give me an estimate as you recall what his
24 age would have been or range of age or anything
25 like that?

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1 A. A Michigan State police officer.
2 Q. Right. Was she involved in any way with this
3 operation, if you know?
4 A. Yes, I believe she may have initiated the
5 investigation based on what I've read and then I
6 believe she was also present -- she was present
7 at the search warrant.
8 Q. And when you say initiated the operation, that
9 was as a result of a traffic interaction she had
10 with Mr. Yousif on July 22nd, is that right?
11 A. Yes, sir.
12 Q. And was there, given the fact that her interaction
13 with Mr. Yousif was on July 22nd and your entry
14 into the Manchester location was at around 11:15
15 on July 25th, do you have any knowledge,
16 recollection or explanation at this point as to
17 why that the execution of that warrant was not
18 undertaken at a time earlier either on that day
19 or any other day before then?
20 MS. URBANIC: Objection to the form of
21 the question, also objection because it's a
22 question that pertains to a dismissed claim.
23 Please go ahead and answer.
24 Q. (Continuing, by Mr. Goodman) Please go ahead.
25 A. I can say I don't know exactly the reason for

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1 A. Sorry. Felt like a loaded question.
2 MR. GOODMAN: Off the record.
3 (Off the record discussion.)
4 A. I would say sixties, early sixties.
5 Q. (Continuing, by Mr. Goodman) Okay. Was this a
6 particularly busy period in terms of the work
7 that you and your team were doing, if you can
8 recall?
9 A. We typically have a busy group, so I would, I
10 can't say for sure, but I would suspect so.
11 Q. Do you recall one way or the other whether it was?
12 A. I don't.
13 Q. More busy than usual? Let's put it that way.
14 A. No, I don't.
15 Q. Do you know, you mentioned Jason Yousif before
16 as the suspect. Do you recall that?
17 A. Yes, sir.
18 Q. What did you mean by that?
19 A. He was the individual identified as -- I guess
20 he was the subject matter being investigated in
21 this investigation.
22 Q. Did you know why he was being investigated?
23 A. Just from reading over the reports, that he had
24 ties to marijuana trafficking at the time.
25 Q. Do you know who Dawn Zonca is?

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1 this in this particular case, but I can say
2 typically we -- there is some amount of due
3 diligence that needs to be done in terms of
4 obtaining information related to the subject and
5 in this case associated residences, whether that
6 be utility records, surveillance, documentation
7 review. We may issue subpoenas and have a
8 period of time before those requests are filled,
9 so it would be more data collection, and
10 building the case so to speak.
11 Q. Utility records, meaning what?
12 A. It may be often times we request utility DTE
13 bills because targets often or subjects of
14 investigation often utilize their name on
15 utilities and in this case I believe there were
16 DTE records pulled that described electricity
17 usage for certain locations.
18 Q. Which locations?
19 A. In this case it was 134 Manchester.
20 Q. Were there any utility records pulled from Marc
21 Street?
22 MS. URBANIC: I'm just going to renew
23 the objection regarding questions as to a
24 dismissed claim. Go ahead and answer.
25 Q. (Continuing, by Mr. Goodman) Go ahead.

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1 A. I don't recall.
2 Q. Going back to the ops plan, which is Exhibit 3,
3 there is something called a target location in
4 there. Do you see that?
5 A. Yes, sir.
6 Q. What is the target location?
7 A. 134 Manchester.
8 Q. And what makes it the target, if you know?
9 A. It's the location of a search warrant in this
10 case.
11 Q. Well, there was also a search warrant for Marc
12 Street, was there not, if you know?
13 A. Yes, sir. I don't recall -- I don't recall
14 hearing that we were going to execute the Marc
15 search warrant until we were notified after the
16 Manchester. That may have been the case, but I
17 don't recall.
18 Q. The suspect was Mr. Yousif, is that right?
19 A. Yes, sir.
20 Q. Did you know anything about Mr. Yousif, what he
21 looked like, anything like that?
22 A. I believe I didn't see a photo attached in the
23 ops plan, but I mean just from what I read here,
24 and I don't recall seeing it, but it would be
25 very atypical that we didn't have a photo during

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1 MS. URBANIC: Objection as to form.
2 Please answer if you understand.
3 Q. (Continuing, by Mr. Goodman) Let me rephrase the
4 question. Was T.F.O. Tardif in charge of the
5 operation at Marc Street?
6 MS. URBANIC: Objection as to form, but
7 answer as you understand it.
8 A. Yes, sir. Just to clarify, as you describe,
9 Officer Tardif would have been in charge of the
10 operation and Kleinschmidt would have been the
11 supervisor, ultimately the supervisor over that
12 operation and the functions of the group.
13 Q. (Continuing, by Mr. Goodman) So the person who
14 supervised your actions and activities that day
15 was Kleinschmidt, is that right?
16 A. Yes, sir.
17 Q. Now going back to Tardif, was he present outside
18 the house when Mr. Tossa was brought out to you
19 by Agent Holton?
20 A. I don't recall if there were some members in the
21 house as Mr. Tossa was coming out. I don't
22 recall, sir.
23 Q. When you were part of the entry team at Marc
24 Street, did you have a firearm that was drawn at
25 that time?

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1 the briefing.
2 Q. Well, it indicates on again the ops plan,
3 Exhibit 3 that there was a photo attached, does
4 it not?
5 A. Oh, okay. Just not to this, but yes, if there
6 was one attached, I would have known.
7 Q. And it indicates an age for him, does it not?
8 A. It does, 26, sir.
9 Q. So that when Mr. Tossa was brought out of the
10 house, it was pretty clear that was not the
11 suspect, Ramsey Yousif, was it not?
12 A. It was clear that that was not Mr. Yousif.
13 Q. While Mr. Tossa was brought out to you by Agent
14 Holton and after he was brought out to you, who
15 was supervising your actions during this operation?
16 A. Our supervisor, Kent Kleinschmidt.
17 Q. Where was he located?
18 A. At which time, sir?
19 Q. During the period that Mr. Tossa was brought out
20 to you?
21 A. I don't recall.
22 Q. Was he outside or inside, do you know?
23 A. I don't recall.
24 Q. Was T.F.O. Tardif in charge in any way or
25 supervising your operations?

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1 A. Upon approach I would have had my firearm drawn.
2 Q. What was it?
3 A. A Glock. I don't know which gun at the time I
4 had, if it was a 22 or 23, but it most likely
5 would have been one of those.
6 Q. Is that a nine millimeter?
7 A. No, it's 40.
8 Q. And it's a hand gun, right?
9 A. Yes, sir.
10 Q. And you had it drawn -- when Tossa was brought
11 out to you by Agent Holton, was your weapon
12 still drawn?
13 MS. URBANIC: Objection as to form, but
14 answer as best you understand.
15 A. So I would have initially approached the
16 residence with my gun drawn. As Mr. Tossa would
17 have been brought out and I would have been --
18 if I was -- once I was designated as the
19 recipient of Mr. Tossa, the one responsible for
20 Mr. Tossa, I would have holstered my weapon
21 before putting any, before putting or assisting
22 Mr. Tossa.
23 Q. (Continuing, by Mr. Goodman) And is that what
24 you did?
25 A. Yes.

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1 Powell, Agent Moore, myself, Agent Holton, Agent
2 Benedict, Group Supervisor Kleinschmidt. If
3 you're referring to, if you're referring to the
4 Marc address.
5 Q. Yeah.
6 A. It would also have been Sterling Heights police
7 officers. I don't recall who they were, but
8 there were two of them. Michigan State police
9 officer, I don't recall who that was. I mean
10 from reading the report I believe it was
11 Officer Zonca. I believe that's it.
12 Q. How about Hopkins?
13 A. I saw him on there, but I don't recall seeing
14 him. I saw him listed as an individual, but I
15 don't recall seeing him there.
16 Q. Did any of the Sterling Heights police officers,
17 what role -- withdraw that question. What role
18 did the Sterling Heights police officers play in
19 this particular operation?
20 A. They were the uniformed presence that
21 accompanied us, so typically we utilize them and
22 we'll utilize their lights just to show the
23 occupants that it's the police and they're not
24 being robbed, so for everybody's safety, and
25 then generally they're the perimeter. They take

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1 perimeter or they'll go to the rear of the house
2 or the front of the house and make sure that
3 those areas are safe and secure.
4 Q. Did you observe any Sterling Heights police
5 officers participate in holding or detaining the
6 residents of the household after they were
7 removed from the household?
8 A. Once the residence was secure, I remember seeing
9 them near the front of the house and I believe
10 at least one of the females was near the garage
11 of the front of the house after the residence
12 was cleared, safe and secure.
13 Q. Dealing with the residents in any way, if you
14 can recall?
15 A. I don't recall them interacting with the residents.
16 Q. Do you recall any of them inside the house at
17 any time?
18 A. I don't. I don't recall.
19 Q. How about the Michigan State trooper?
20 A. I don't recall.
21 Q. Do you recall the Michigan State Police canine
22 unit present at the time?
23 A. Matt Unterbrink, from reading the report, Matt
24 Unterbrink, he's a canine officer, he was there.
25 Q. Did he interact with any of the residents of the

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1 household as far as you can recall?
2 A. I don't recall.
3 Q. Did he enter the house with the dog, if you know?
4 A. That would have been his purpose. I don't know
5 if he went in in this instance. I don't know if
6 he conducted a search of this residence in this
7 instance.
8 Q. Did you ever observe Agent Holton with his
9 firearm drawn, pointed at Mr. Tossa?
10 A. Agent Holton I believe had approached with the
11 ram and was designated the role, if we needed to
12 breach the door, that was his role, so I don't
13 recall if he would have drawn his weapon.
14 Q. My question is do you recall one way or another
15 that his weapon was drawn?
16 A. No.
17 MR. GOODMAN: Okay. Let me take a break.
18 (Recess 2:35 p.m. to 2:44 p.m.)
19 MR. GOODMAN: Back on the record.
20 Agent Fitch, thanks a lot. I don't have any
21 other questions.
22 MR. RAITI: Agent Fitch, I'm Chris
23 Raiti. I represent T.F.O. David Powell. I have
24 no questions for you.
25 MR. KASZUBSKI: Special Agent, Marc

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1 Kaszubski on behalf of the Sterling Heights
2 officers. I have no questions for you either.
3 EXAMINATION
4 BY MR. FEDYNSKY:
5 Q. Good afternoon, sir. My name is John Fedynsky.
6 I represent Trooper Matthew Unterbrink. You
7 were asked a few questions about him. Do you
8 have any particular recollection of what his
9 activities were at the residence other than
10 being present as the canine officer?
11 A. I don't recall specifically, but typically his
12 role would have been perimeter security
13 initially and then he would typically assist in
14 the search of the residence with his canine.
15 Q. If requested?
16 A. If requested, that's correct.
17 MR. FEDYNSKY: Okay. Thanks for your
18 time, sir.
19 MS. URBANIC: I have no questions.
20 MR. GOODMAN: That will do it.
21 (Deposition concluded at 2:45 p.m.)
22
23
24
25